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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,592	12/22/2003	Mandana Noorae Parker	139215	7579

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EXAMINER
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LIU, BEN H

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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02/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/743,592

Applicant(s)

PARKER ET AL.

Examiner

Ben H. Liu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. This is in response to an amendment/response filed on November 26, 2007.
2. Claims 1, 5, and 6 have been amended.
3. No claims have been cancelled.
4. No claims have been added.
5. Claims 1-7 are currently pending.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters et al. (U.S. Patent Publication 2002/0176131) in view of Isonuma et al. (U.S. Patent Publication 2001/0046207).

For claims 1, 5, 6, and 7, Walters et al. disclose a wideband cross-connect system comprising a working wideband switch fabric coupled to at least one SONET add/drop multiplexer (see paragraphs 70 and 71), the working switch fabric receiving a working signal from a first interface on at least one SONET add/drop multiplexer, the working switch fabric switching the working signal so as to generate a working switched signal and working switched payload, and providing the working switched signal to a second port on at least one SONET add/drop multiplexer (see paragraph 7). Similarly, the system as taught by Walters et al. teaches a protect wideband switch fabric coupled to at least one SONET add/drop multiplexer (see paragraphs 70 and 71), protect switch fabric receiving a protect signal from a third interface on at least one SONET add/drop multiplexer, the protect switch fabric switching the protect signal and so as to generate a protect switched signal and protect switched payload, and providing the protect switched signal to a fourth port on at least one SONET add/drop multiplexer (see paragraph 7).

For claim 2, Walters et al. disclose a wideband cross-connect system as described above comprising a single SONET add/drop multiplexer (see paragraph 70).

For claim 3, Walters et al. disclose a wideband cross-connect system as described above comprising a plurality of SONET add/drop multiplexers (see paragraph 7).

For claim 4, Walters et al. disclose a wideband cross-connect system as described above where a first and third ports are on different SONET add/drop multiplexers (see paragraph 7).

For claims 5, 6, and 7, Walters et al. disclose all the subject matter of the claimed invention with the exception where at least one SONET add/drop multiplexer is outfitted so as to support SONET UPSR protection with PDI-P codes. The SONET add/drop multiplexer selects between the working switched payload and protect switched payload to send to a client based upon the working and protect PDI-P codes generated by the switching fabric. Isonuma et al. from the same or similar fields of endeavor teach a transmitting apparatus for cross connecting and transmitting signals in a SONET ring network (see paragraph 1) utilizing PDI-P codes (see paragraph 163). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the transmitting apparatus as taught by Isonuma et al. with the wideband cross-connect system as taught by Walters et al. The transmitting apparatus as taught by Isonuma et al. can be implemented by using the Add/Drop Multiplexer (see figure 1) in the wideband cross-connect system as taught by Walters et al. The motivation for using the transmitter apparatus as taught by Isonuma et al. with the wideband cross-connect system as taught by Walters is to allow channel failure detection and rescue.

***Response to Arguments***

6. Claims 1-7 were previously objected for the following informalities:

For claim 1, the acronym "UPSR" in line 3 should be accompanied by the full word definition. Similar problems exist for the acronym "PDI-P" in lines 3, 10, 19, and 25.

For claim 5, the acronym "PDI-D" in lines 8, 11, and 14 should be accompanied by the full word definition. Similar problems exist in claim 6 lines 2-6.

For claims 2-4 are objected since they depend on claim 1. Claim 7 is objected because it depends on claim 5.

Applicant has overcome the objections by amending the claims. In response, the Examiner has withdrawn the objections.

7. Applicants' arguments filed November 26, 2007 have been fully considered but they are not persuasive. Consideration for the applicant's arguments regarding claims 1-7 are as follow:

First, the applicants argue that Walters reference discloses an all optical cross-connect that does not convert the optical signal to an electrical signal for any type of analysis of the underlying data signal or SONET codes (*see page 6*). However, the limitation "convert the optical signal to an electrical signal for any type of analysis" is not recited in the claims of the application.

Second, the applicants argue that the combined Walters and Isonuma references do not disclose or suggest using standard SONET add/drop multiplexers to provide both standardized customer interfaces to a cross-connect system and to switch fabric protection (*see page 8*).

However, the limitation “standard SONET add/drop multiplexers to provide both standardized customer interfaces” is not recited in the claims of the application.

Third, the applicants further argue that “the combination of the Walters reference and the Isonuma reference fails to suggest the requirements of the claims. First, the combination would be inoperable since the Walters reference discloses an optical configurable switch (i.e., network node or OTS) can operate as an optical cross-connect (OXC) (also referred to as a wavelength cross-connect, or WXC), which switches individual wavelengths, and/or an optical add/drop multiplexer (OADM) while the Isonuma reference discloses an electrical STS cross-connect unit 10A for switching electrical signals at the STS or VT level.”

The applicants refer to the STS cross-connect unit 10A recited in the Isonuma reference that is part of the transmitting apparatus equipped with the Add/Drop Multiplexing function (*see paragraph 18*). The applicants claim that the optical configurable switch OTS is inoperable with the STS cross-connect unit 10A. However, Walters states that the functions of legacy SONET terminator and add-drop multiplexer are integrated into the OTS of the Optical Access Network 205. In effect, the OTS as disclosed by Walters provides the functionality of the STS cross-connect unit 10A as disclosed by the Isonuma reference (*see paragraph 81*). The Walters reference further states that the “optical switch offers an on-demand  $\lambda$  switching capability to support, e.g., either SONET ring based or mesh configurations” (*see paragraph 71*), thus providing further support for the operability of the inventions disclosed by the Walters and Isonuma references.

For the reasons above, the rejection is sustained.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben H. Liu whose telephone number is (571) 270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

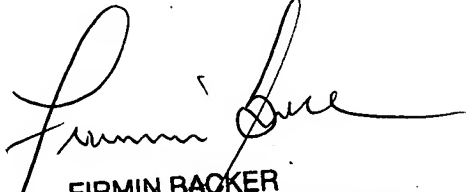


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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BL



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